

THE HON'BLE MR. JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 21039 OF 2005

DATED: 30-09-2005

Between

Maddipati Prasad and another.

..... PETITIONER

And

The Government of Andhra Pradesh,

Rep. by its Principal Secretary to

Government, Tribal Welfare Department,

A.P Secretariat, Hyderabad and others.

..... RESPONDENTS

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WRIT PETITION NO. 21039 OF 2005

ORDER:

The 3rd respondent initiated proceedings against the petitioners in L.R.T.P No. 41 of 2001 under the provisions of the A.P Scheduled Area Land Transfer Regulation 1/59 read with Regulation 1/70. Through the order dated 11-03-2003, the 3rd respondent directed eviction of the petitioners. Aggrieved thereby, the petitioners filed C.M.A No. 23 of 2003 before the 2nd respondent. The appeal was dismissed on 24-07-2004. Challenging the same, the petitioners filed W.P No. 14032 of 2004. The writ petition was dismissed at the admission stage leaving it open to the petitioners to avail the remedy of revision before the 1st respondent. The order passed against the petitioners by respondents 2 and 3 were stayed for a period of two weeks. Subsequently, the stay was extended by ten more days vide the order in W.P.M.P No. 24797 of 2005.

The petitioners state that they have presented the revision before the 1st respondent together with an application for stay and so far the revision has not been taken on file, much less an order of stay was granted. They complain that taking advantage of the situation, the Mandal Revenue Officer concerned and other agencies are trying to dispossess them from the land.

Heard the learned counsel for the petitioners and the learned Government Pleader for Social Welfare.

The petitioners availed the remedy of revision before the 1st respondent aggrieved by the concurrent orders passed by respondents 2 and 3. Initially, this Court protected their interest by granting stay up to a limited period on the assumption that the 1st respondent would pass appropriate orders in the application for stay. It, however, has emerged that the 1st respondent has not even entertained the revision, much less passed any order on the application for stay. If the petitioners are dispossessed from the land even while the revision is pending, nothing remains to be decided therein.

In that view of the matter, the writ petition is disposed of directing that the order passed by the 3rd respondent in L.T.R.P No. 41 of 2001 as confirmed by the 2nd respondent in C.M.A No. 23 of 2003 shall remain suspended till the 1st respondent disposes of the revision. There shall be no order as to costs.

(L. Narasimha Reddy, J)

30..09..2005

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